

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
JUAN B. PUJOL MOREIRA, *in his personal capacity* :
and as Personal Representative and Administrator of the :
ESTATE OF NIEVES PUJOL a/k/a NIEVES MOREIRA :
MARTINEZ et al., : 20-CV-9380 (JMF)
:
Plaintiffs, : ORDER
:
-v- :
:
SOCIÉTÉ GÉNÉRALE, S.A. et al., :
:
Defendants. :
:
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JESSE M. FURMAN, United States District Judge:

The Cuban Liberty and Democratic Solidarity Act of 1996, 22 U.S.C. § 6021 *et seq.*, under which Plaintiffs in this case sue, provides certain limitations on who may bring suit. To the extent relevant here, the statute provides that, “[i]n the case of a United States national who was eligible to file a claim with the Foreign Claims Settlement Commission under title V of the International Claims Settlement Act of 1949 but did not so file the claim, that United States national *may not* bring an action on that claim under this section.” 22 U.S.C. § 6082(a)(5)(A) (emphasis added). Another subsection provides that “[a]n interest in property for which a United States national has a claim certified under title V of the International Claims Settlement Act of 1949 may not be the subject of a claim in an action under this section by any other person” and that “[a]ny person bringing an action under this section whose claim has not been so certified shall have the burden of establishing for the court that the interest in property that is the subject of the claim is not the subject of a claim so certified.” *Id.* § 6082(a)(5)(D). To the Court’s knowledge, there is nothing in the Second Amended Complaint, ECF No. 67, or elsewhere in the

record that confirms Plaintiffs meet the foregoing statutory requirements. *Cf.* Complaint ¶¶ 20-21, *Regueiro v. American Airlines*, 19-CV-23965, ECF No. 1 (S.D. Fla. filed Sept. 25, 2019); Complaint ¶ 11, *Havana Docks Corp. v. Carnival Corp.*, 19-CV-21724, ECF No. 1 (S.D. Fla. filed May 2, 2019).

No later than **October 14, 2022**, Plaintiffs shall file a letter-brief, not to exceed five pages, addressing whether they fulfill the requirements set forth above and, if they do not, whether the requirements are jurisdictional. *See Cave v. E. Meadow Union Free Sch. Dist.*, 514 F.3d 240, 250 (2d Cir. 2008) (“Issues relating to subject matter jurisdiction may be raised at any time . . . by the court *sua sponte*.”). Defendants shall file any response, also not to exceed five pages, **by October 21, 2022**.

SO ORDERED.

Dated: October 7, 2022
New York, New York



JESSE M. FURMAN
United States District Judge